IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: The April 4th, 2006

Criminal Misc. Bail Application No. 206 of 2006

Order on the bail application of accused

CRIMINAL SIDE

1. Nirdosh S/o Khem Karan
   R/o Betikheda P.S. Baniyadher
   District Moradabad, U.P.
2. Sanju Kumar S/o Pyare Lal
   R/o Pindara, P.S. Kotwali Bisoli
   District Badayun, U.P.
3. Jagat Pal S/o Payre Lal
   R/o Pindara P.S. KOtwali Bisoli
   District Badayon, U.P.
4. Rajendra Kumar S/o Babu Lal
   R/o Betikheda P.S. Baniyadher
   District Moradabd, U.P.
5. Badam Singh yadav S/o Chhanu Singh
   R/o Shyampur
   P.S. Faij Ganj Behra District Badayun, U.P.
   Presently residing at Shop in from Sanjay
   Bhagirathi Puram Engineer Enclave
   Vasant Vihar Dehradun …Applicants

Versus

State of Uttaranchal …Opposite Party

Arising out of Case of Crime No. 76 of 2005
Under Sections 454, 380, 411 IPC.
P.S. Vasant Vihar Dehradun
District Dehradun.

Hon'ble J.C.S. Rawat, J.

Heard Sri A.K. Gautam learned counsel for the applicants and learned A.G.A. for the State.

Perused the record. On 27.08.2005 an F.I.R. was lodged without nominating the accused persons and the applicants-accused were arrested on 06.10.2005. According to the prosecution version, a 'mangal-sutra' and golden chain were recovered from the possession of the applicant-accused. It was contended that the FIR does not illustrate the particulars of the stolen articles. However, at the time of lodging the FIR, the complainant informed the police that she would provide the list of stolen articles later on. Learned A.G.A. could not show that any such type of list has been submitted to the police with regard to the subject matter of theft. It was further contended that the

identification of the recovered articles was not made by the police. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicants-accused be released on bail on executing a personal bond each and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 04.04.2006
LSR